IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CLEAN ENERGY MANAGEMENT SOLUTIONS, LLC,	))
	)
Plaintiff,	)
	) Civil Action No. _____
v.	)
	) **JURY TRIAL DEMANDED**
EATON CORPORATION,	)
	)
Defendant.	)
	)

COMPLAINT

For its Complaint, Plaintiff Clean Energy Management Solutions, LLC ("Clean Energy"),

by and through the undersigned counsel, alleges as follows:

THE PARTIES

1.   Clean Energy is a Texas limited liability company with a place of business

located at 1400 Preston Road, Suite 475, Plano, Texas 75093.

2.   Defendant Eaton Corporation is an Ohio corporation with, upon information and

belief, a place of business located at 1000 Eaton Boulevard, Cleveland, Ohio 44122.

3.   Upon information and belief, Defendant has registered with the Texas Secretary

of State to conduct business in Texas.

JURISDICTION AND VENUE

4.   This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

5.   Subject matter jurisdiction is proper in this Court under 28 U.S.C.

§§ 1331 and 1338.

6.   Upon information and belief, Defendant conducts substantial business in this

forum, directly or through intermediaries, including: (i) at least a portion of the infringements

alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

7.   Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b).

THE PATENTS-IN-SUIT

8.   On October 21, 2003, U.S. Patent No. 6,636,893 (the "'893 patent"), entitled "Web Bridged Energy Management System and Method," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '893 patent is attached hereto as Exhibit A.

9.   The inventive concept of the '893 patent greatly enhances energy and facilities management through use of web-bridged energy and facilities management. It permits a user of an individual system to be automatically logged into multiple different system and permits data from many individual sites to be accumulated to a single site, data from one site to be distributed to many sites and a pyramid arrangement to be used. It also permits individual energy management sites to be connected together using the web bridge.

10.   The claims of the '893 patent, moreover, describe a solution necessarily rooted in computer technology to solve a problem specifically arising in the realm of energy management. The patent specification, for example, explains how conventional energy management systems were inefficient. The '893 patent overcame this difficulty, among others, by using a web-bridged system that utilized a pyramid of energy management systems, such as by aggregating data from one or more levels of source energy management systems.

11.   On June 10, 2003, U.S. Patent No. 6,577,962 (the "'962 patent"), entitled "System and Method for Forecasting Energy Usage Load," was duly and lawfully issued by the U.S.

Patent and Trademark Office. A true and correct copy of the '962 patent is attached hereto as

Exhibit B.

12.   The inventive concept of the '962 patent greatly enhances the ability to forecast

energy usage load for a facility. It allows dynamic, real-time energy load forecasting for a site.

13.   The claims of the '962 patent, moreover, describe a solution necessarily rooted in

computer technology to solve a problem specifically arising in the realm of energy management.

The patent specification, for example, explains how conventional methods were not capable of

adapting the forecasting model to changing operational conditions, and instead, incremental

improvement of the model required off-line reprocessing of the entire set of available data and

then recalculating forecasting models; such off-line reprocessing required system downtime to

update the forecasting models appropriately, and consequently, facilities generally could not

receive up-to-date forecasting information as needed to adequately manage energy usage and

control costs. Additionally, conventional load forecasting systems were primarily used by

utilities for predicting aggregate energy load (i.e., the energy load of a region or a market sector),

and were generally incapable of predicting site-level load forecasts because they could not adapt

to variable changing conditions in real-time so that the forecasts did not change based on

changing conditions. The '962 patent overcame these difficulties, among others, by using a load

forecasting application that includes a parameter identification module for determining periodic

energy load usage and a load prediction module for generating energy usage load forecast

profiles; and the load forecast profiles may be updated periodically to reflect changing

conditions.

14.   Clean Energy is the assignee and owner of the right, title and interest in and to the

'893 and '962 patents, including the right to assert all causes of action arising under said patents

and the right to any remedies for infringement of it.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,636,893

15.   Clean Energy repeats and realleges the allegations of paragraphs 1 through 14 as if fully set forth herein.

16.   Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of at least claim 6 of the '893 patent by making, using, importing, offering for sale, and/or selling, web-bridged energy and facilities systems and methods that share energy management data over a computer network, including, but not limited to, Smart Grid solutions.

17.   More specifically and upon information and belief, Defendant's Smart Grid solutions share energy management data over a computer network. *See* Cooper Power Systems, Smart Grid Solutions, B1100-10014 (Sept. 2010), at p. 4 (available at http://www.cooperindustries.com/content/dam/public/powersystems/resources/library/1100_EAS /B110010014.pdf (last accessed Dec. 16, 2015)) ("B1100-10014"); *see also* Eaton Corporation, Yukon IED Manager Suite (IMS), PS913001EN (Aug. 2015), at pp. 2, 7 (available at https://rc.cooperc3.com/content/dam/public/powersystems/resources/library/1130_IEDManager/ BR913001EN.pdf (last accessed Dec. 16, 2015)) ("BR913001EN").   Defendant's Smart Grid solutions gather information about energy consumption and operation of devices. *See* B1100-10014 at p. 4; Eaton Corporation, Yukon IED Manager Suite (IMS), PS913001EN (Aug. 2015), at   p.   4   (available   at: https://rc.cooperc3.com/content/dam/public/powersystems/resources/specifications/word/PS9130 01EN.docx   (last   accessed   Dec.   16,   2015))   ("PS913001EN"); http://www.cooperindustries.com/content/public/en/power_systems/products/automation_and_co

ntrol/enterprise_software/yukon_enterprisesoftware.html (last accessed Dec. 4, 2015).   The

Smart Grid solutions connect to a computer network using a web bridge device (gateway). *See*

B1100-10014   at   4;

http://www.cooperindustries.com/content/public/en/power_systems/products/automation_and_co

ntrol/smp_products/smp-4-dp-gateway.html (last accessed Dec. 16, 2015); PS913001EN at 1.

The connection over the network forms a predetermined configuration of energy management

systems. *See* B1100-10014 at p. 4.   The Smart Grid solutions include Defendant's Yukon IED

Manager Suite, *see id.*, and users of Yukon IED Manager Suite are authenticated by the Yukon

IMS Security Server using a client system. *See* BR913001EN at pp. 2-3. Users of Defendant's

Yukon IED Manager Suite can login via a web-based management interface wherein login

credentials   are   provided.   *See*   *id.*   at   pp.   3-4;

http://www.cooperindustries.com/content/public/en/power_systems/products/automation_and_co

ntrol/enterprise_software/ied_manager_suiteims.applications.html (last accessed Dec. 16, 2015).

Defendant's Yukon IED Manager Suite provides user login credentials to other energy

management systems. *See* BR913001EN at p. 3. Defendant's Smart Grid solutions can comprise

a pyramid where source energy management systems are aggregated in destination energy

management   systems.   *See*   http://www.cooperindustries.com/content/dam/public/

powersystems/resources/library/1100_EAS/B110009040.pdf (last accessed Dec. 16, 2015) at p.

1; B1100-10014 at p. 4. Eaton's Smart Grid solutions aggregate data from energy management

systems.   *See*   http://www.cooperindustries.com/content/public/en/power_systems/products/

automation_and_control/enterprise_software/yukon_enterprisesoftware.html (last accessed Dec.

17, 2015); B1100-10014 at p. 4.

18.   Clean Energy is entitled to recover from Defendant the damages sustained by Clean Energy as a result of Defendant's infringement of the '893 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 6,577,962

19.   Clean Energy repeats and realleges the allegations of paragraphs 1 through 18 as if fully set forth herein.

20.   Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of at least claim 1 of the '962 patent by making, using, importing, offering for sale, and/or selling, systems and methods for forecasting energy usable load, including, but not limited to, CYME Power Engineering Software and Solutions that includes CYME Server in conjunction with an Automated Network Forecast Analysis module and CYMDIST Distribution Analysis software.

21.   More specifically and upon information and belief, Defendant's CYME Power Engineering Software and Solutions includes CYME Server, an Automated Network Forecast Analysis module and CYMDIST Distribution Analysis software. *See* http://www.cooperindustries.com/content/public/en/power_systems/products/power_engineering software/real_time_analysis/cyme_server.html (last accessed Dec. 16, 2015); http://www.cooperindustries.com/content/public/en/power_systems/products/power_engineering software/network_analysis/network_forecaster.brands.cyme.html (last accessed Dec. 16, 2015); http://www.cooperindustries.com/content/public/en/power_systems/products/power_engineering software/network_analysis/distribution_network_analysis.html (last accessed Dec. 16, 2015). Defendant's CYME Power Engineering Software and Solutions run load forecasting applications

on a server.   *See* http://www.cooperindustries.com/content/public/en/power_systems/products/ power_engineeringsoftware/real_time_analysis/cyme_server.html (last accessed Dec. 16, 2015). Defendant's CYME Power Engineering Software and Solutions allow users to define parameters to allow the determination of periodic energy load usage of a facility.   *See* http://www.cooperindustries.com/content/public/en/power_systems/products/power_engineering software/network_analysis/network_forecaster.html (last accessed Dec. 16, 2015).   Defendant's CYME Power Engineering Software and Solutions have a load prediction module that can generate energy usage load forecasts in real-time.   *See* http://www.cooperindustries.com/content/public/en/power_systems/products/power_engineering software/real_time_analysis/cyme_server.html (last accessed Dec. 16, 2015).   Defendant's CYME Power Engineering Software and Solutions create databases that contain matrices in SQL tables and XML files, which are associated with parameter identification and load prediction. *See* http://www.cooperindustries.com/content/public/en/power_systems/products/power_ engineeringsoftware/network_analysis/distribution_network_analysis.html (last accessed Dec. 16, 2015).

22.   Clean Energy is entitled to recover from Defendant the damages sustained by Clean Energy as a result of Defendant's infringement of the '962 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

Clean Energy hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Clean Energy requests that this Court enter judgment against Defendant

as follows:

> A.   An adjudication that Defendant has infringed the '893 and '962 patents;

> B.   An award of damages to be paid by Defendant adequate to compensate Clean Energy for Defendant's past infringement of the '893 and '962 patents and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

> C.   A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Clean Energy's reasonable attorneys' fees; and

> D.   An award to Clean Energy of such further relief at law or in equity as the Court deems just and proper.

Dated: December 16, 2015

/s/Andrew W. Spangler
Andrew W. Spangler TX SB #24041960
Spangler Law P.C.
208 N. Green Street, Suite 300
Longview, TX 75601
Telephone: (903) 753-9300
Facsimile: (903) 553-0403
spangler@spanglerlawpc.com

Stamatios Stamoulis DE SB #4606
Richard C. Weinblatt DE SB #5080 – Lead Counsel
Stamoulis & Weinblatt LLC
Two Fox Point Centre
6 Denny Road, Suite 307
Wilmington, DE 19809
Telephone: (302) 999-1540
Facsimile: (302) 762-1688
stamoulis@swdelaw.com
weinblatt@swdelaw.com

Attorneys for Plaintiff
Clean Energy Management Solutions, LLC